IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3276 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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AHMEDABAD MANUFACTURING AND CALICO PRINTING CO LTD - Petitioner(s)

Versus

ISHWARBHAI RAMJIBHAI & 1 - Respondent(s)

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Appearance :
NANAVATI ASSOCIATES for Petitioner(s) : 1,
NOTICE UNSERVED for Respondent(s) : 1,
MR LB DABHI for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 10/01/2006

ORAL JUDGMENT

1. The petitioner, namely, Ahmedabad Manufacturing and Calico Printing Company

(Calico Ltd.) has filed this petition under Article 226 of the Constitution of India, praying for quashing and setting aside the order passed by the appellate authority as well as competent authority under the Payment of Gratuity Act, in Application No.153 of 1986.

2. The petition was admitted and rule was issued on 8.7.1987.

3. After the petition was admitted by the Court, the Company went in liquidation and final winding up order has already been passed. The Official Liquidator is appointed as liquidator of the Company. No one else except the Official Liquidator has any right to pursue this matter. However, the Official Liquidator has not moved any application for impleading him as a party in this application. In any case, it is for the respondent workman to move

an application to the Company Court for compliance of the orders passed in his favour under the Payment of Gratuity Act. The respondent can also lodge his claim before the Official Liquidator on the basis of orders passed in his favour and the said claim will be examined by him in accordance with the provisions contained in the Companies Act, 1956.

4. Subject to the above observations and directions, this petition is accordingly disposed off. It is, however, open for the Liquidator to approach this Court in case of difficulty or the need so arise in future.

5. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks